

197-08/PJG

FREEHILL HOGAN & MAHAR LLP

Attorneys for Plaintiff

ARACRUZ TRADING LTD.

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Peter J. Gutowski (PG 2200)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ARACRUZ TRADING LTD,

Plaintiff,

**08 CV 3511 (JGK)
ECF CASE**

-against-

**DECLARATION OF EDWARD J.
CARLSON**

JAPPAUL OIL AND MARITIME SERVICES
PLC

Defendants.

State of New York)
) ss.:
County of New York)

EDWARD J. CARLSON, states as follows:

1. I am an associate with the law firm of Freehill Hogan & Mahar, LLP, attorneys for Plaintiff herein.

2. I submit this declaration in support of the Plaintiff's opposition to the Defendant's motion to dismiss to outline the following points.

3. During the week of August 25, I contacted the United States Department of State to make inquire with respect to any prohibition against and the general availability

of temporary visas for Nigerians to travel to the United States for the purpose of testifying in this matter.

3. According to the State Department employee with whom I spoke, there are currently no bans in place regarding issuance of visas to Nigerians.

4. Issuance of a visa to an individual depends on the individual establishing strong social and economic ties to Nigeria such as longstanding employment, owning property, and/or family connections.

5. The State Department Official indicated that these factors will generally support issuance of a visa as they will be an indication that the applicant will return to Nigeria within the allocated period provided for within the visa.

6. Exhibits G, H and I were accessed via the website of the Maryland Department of Assessments and Taxation and reflect the corporate creation of Japaul's subsidiary, its good standing as a Maryland LLC, the local representative in Maryland, and the corporate purpose for which that entity was created.

7. Exhibit J is an article by the Daily Sun, a Nigerian newspaper, accessed via the web, which contains an interview with the managing director of Japaul and specifically references the creation of Japaul's subsidiary entity in the United States and the nature of the operations it conducts here.

I declare under penalty of perjury that the foregoing is true and correct.

Executed at New York, New York on September 3, 2008.


EDWARD J. CARLSON

Ex. G



Maryland Department of Assessments and Taxation

Taxpayer Services Division

301 West Preston Street W Baltimore, MD 21201 (2007 vw6.3)

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Taxpayer Services Division

Entity Name: JAPaul LLC

Dept ID #: W11330636

General Information Amendments Personal Property Certificate of Status

Principal Office
(Current): 6130 PARKWOOD ROAD
 CHERVELY, MD 20785

Resident Agent
(Current): MR. OLUSOLA OKE
 6130 PARKWOOD ROAD
 CHERVELY, MD 20785

Status: ACTIVE

Good Standing: Yes

Business Code: Other

Date of Formation or Registration: 06/07/2006

State of Formation: MD

Stock/Nonstock: N/A

Close/Not Close: Unknown

Link Definition

General Information General information about this entity
Amendments Original and subsequent documents filed
Personal Property Personal Property Return Filing Information and Property Assessments
Certificate of Status Get a Certificate of Good Standing for this entity

Ex. H

CORPORATE CHARTER APPROVAL SHEET****EXPEDITED SERVICE******** KEEP WITH DOCUMENT ****DOCUMENT CODE 40 BUSINESS CODE 20

Close _____ Stock _____ Nonstock _____

P.A. _____ Religious _____

Merging (Transferor) _____

Surviving (Transferee) _____

New Name _____



1000361993123979

ID # W11330636 ACK # 1000361993123979
LIBER: B00967 FOLIO: 1632 PAGES: 0002
JAPPAUL LLC

06/07/2006 AT 01:14 P WO # 0001239377

FEES REMITTED

Base Fee: <u>100</u>	Change of Name
Org. & Cap. Fee: <u>20</u>	Change of Principal Office
Expedite Fee: _____	Change of Resident Agent
Penalty: _____	Change of Resident Agent Address
State Recordation Tax: _____	Resignation of Resident Agent
State Transfer Tax: _____	Designation of Resident Agent
<u>1</u> Certified Copies	and Resident Agent's Address
_____ Certificates	Change of Business Code
Copy Fee: <u>21</u>	Adoption of Assumed Name
Certificate of Status Fee: _____	_____
Personal Property Filings: _____	_____
Mail Processing Fee: _____	_____
Other: _____	Other Change(s)
TOTAL FEES: <u>191</u>	_____

Credit Card _____ Check _____ Cash _____

Code _____

_____ Documents on _____ Checks

Approved By: 9

Keyed By: _____

COMMENT(S):

Attention: Christa Oke

Mail: Name and Address

6130 Parkwood RoadChesvelly MD 20785.

Stamp Work Order and Customer Number HERE

CUST ID: 0001796339
WORK ORDER: 0001239377
DATE: 06-07-2006 01:14 PM
AMT. PAID: \$191.00

Ex. I

ARTICLES OF ORGANIZATION

The undersigned, with the intention of creating a Maryland Limited Liability Company files the following Articles of Organization:

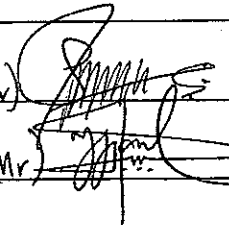
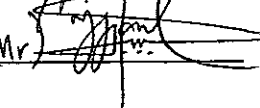
(1) The name of the Limited Liability Company is: J A PAUL L.L.C

(2) The purpose for which the Limited Liability Company is filed is as follows: Purchase and Sales of Used and New Trucks, Trailers, heavy duty Equipment Ships and all sorts of Marine Equipment - for Export & local Sales.

(3) The address of the Limited Liability Company in Maryland is 6130 Parkwood Road Chervely, MD 20785.

(4) The resident agent of the Limited Liability Company in Maryland is Mr Olusola Oke
Olusola

whose address is 6130 Parkwood Road, Chervely, MD
20785

(5) Olusola Oke (Mr) 
Igede A. Paul (Mr) 

(6) Olusola Oke 
Resident Agent

Signature(s) of Authorized Person(s)

Filing party's return address:

(7) 6130 Parkwood Road,
Chervely, MD 20785

Ex. J



Voice of the Nation

Money

FUJITSU

Special Offers



Good Morning! Wednesday September 03, 3908

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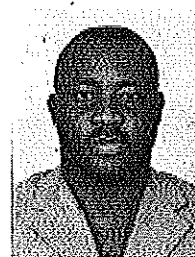
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We are building capacity

By TOKUNBO OLOKE

Thursday, August 16, 2007

Japaul Oil and Maritimes Service Plc is the first indigenous shipping company to be listed on the Nigerian Stock Exchange (NSE). The Managing Director of the Company, Mr. Paul Jegede, spoke about the company, the challenges, the future plans as well as issues on the Nigerian economy.



Jegede

Pix: Sun News Publishig

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The case before

As far as we are concerned, the economy remains fairly stable. Most of the projects in the oil and gas sector were executed in the deep and shallow offshore. Few operations were carried out in the swamp and on the land for obvious reason of insecurity in Niger Delta where we operate from.

Government's policies

The various economic reforms of the Federal Government have helped our company and industry to pick up. For instance, accessibility to bank loan was easier than the first year and we were able to finance all the contracts we had with the multinational oil companies.

Niger Delta's restiveness

Crisis in the Niger Delta, resulting in kidnapping of expatriates, created a sense of insecurity among expatriates who supervise some of the contracts we handle. As a result, some projects that we would have started were postponed till when the situation improves. Our company, however, was able to work against all odds, some of our contracts are properly executed and delivered and this gave us a competitive edge in the industry.

Future prospects

The business volume in our industry is on the increase on a yearly basis. Our business activities in the industry have risen from the average of six billion dollars per annum to about 11 billion dollars.

There are a lot of businesses to handle in the years to come. The previous challenges that we had was building human capacity to cope with the volume of business we're able to get, but now we have overcome this. In the years ahead, we shall be acquiring more marine equipment and machinery to further build more capacity so that the company will be in a

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good position to handle high profile contracts in the oil industry. With the planned build up in capacity, we will turn in profits in billions of naira.

Our dredging contracts

Our multi million dollars dredging contracts with Shell Petroleum Development Company is still running, and the vessels supply contracts with Mobil shall start to bring in more revenue into the company as from the next accounting year, till 2010. Within the year, we were able to acquire three dredgers, two of them have been deployed to Shell contracts, the third one is being prepared for the other contracts we have. The contract to build a new fourth dredger has been signed with a dredger building company in the United States of America. With the four set of dredgers and their accessories, we are confident that more businesses will be done next year, which, therefore, guarantees more returns for our stakeholders.

Japaul expatriates

The expatriates we have recruited to handle some aspects of our business operation will be as suming duties soon. They will handle some of our operations professionally and train other local engineers. Our subsidiary company, Japaul Gulf Electromechanical LLC in Dubai, has won some contracts, which they shall be executing in the next business year. The company is into a partnership arrangement with Fanaknaz Group of Companies in UAE. This partnership arrangement has availed us more businesses and funding accessibility. We have also incorporated a company called, "Japaul LLC" in United States of America. Its operations will be tailored towards giving technical support to the Nigerian company and shall be a training ground for the employees of our great company.

Human resources training

Employees are the most valuable resources that we have. Good attention is paid to the needs of every worker in the company. Three employees were sent abroad for training. Others got trained in all relevant fields. We have built human capacity to cope with various challenges in our industry.